

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kazmer et al.
Serial No. : 09/578,108
Filed : May 24, 2000
Title : PERFORMANCE-BASED REPRESENTATION FOR SUPPORT OF MULTIPLE DECISIONS

Art Unit : 2762
Examiner : Javid A. Amini

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Commissioner for Patents
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INTERVIEW SUMMARY

Consistent with MPEP 713.04, Applicant provides a summary of the interview of February 2, 2004 with Examiner Jeffery Brier.

As best understood during the interview and demonstration held at the Patent Office on November 18, the Examiners had been persuaded that even originally filed claim 1 distinguished over *Sugino* and that all that was required to place the application in condition for allowance was to make certain clarifying amendments to claim 1. These amendments were discussed and approved at the interview and submitted in a response to the final office action filed on December 2.

Applicant is dismayed to learn that the Examiners have apparently changed their minds and that contrary to their position at the close of the November 18, 2003 interview, they now consider *Sugino* to render the originally filed claim 1 obvious.

As best understood from the interview of February 2, 2004, the Examiner has decided that FIGS. 4A-D are "performance graphs" because the upper and lower stress values amount to

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Applicant : Kazmer et al.
Serial No. : 09/578,108
Filed : May 24, 2000
Page : 2 of 2

Attorney's Docket No.: 07880-082001 / UMA 00-03
Kazmer

"performance attributes." Because there are four such graphs in *Sugino*, the Examiner considers the four figures to collectively teach "a plurality of performance graphs." The Examiner then indicated that FIG. 5 was somehow a "control graph" and a "decision graph" at the same time.

When asked to identify precisely what two "decision variables" were shown in FIG. 5, the Examiner was unable to supply a satisfactory answer. When asked to explain how FIG. 5 could be both a control graph and a decision graph at the same time, the Examiner was again unable to provide a satisfactory answer.


The Examiner did draw attention to column 9, line 16 and column 10 lines 16-43 as clearly supporting his position concerning FIGS. 4A-D and FIG. 5.

The interview closed with the Examiner maintaining his position concerning claim 1.

No fee is believed to be due in connection with the filing of this communication. Nor is a petition for extension of time believed necessary. If such a petition is necessary, please consider this a request for such petition. To the extent any fees are due, please charge our deposit account 06-1050.

Respectfully submitted,

Date: 3/3/04


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